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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,392	08/16/2001	Bryan K. Hicks	14591.10	1575
22913	7590	10/12/2005	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			LAVINDER, JACK W	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/931,392	Applicant(s) HICKS ET AL.	
	Examiner Jack W. Lavinder	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-30 and 32-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-30 and 32-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 24-30 and 32-36 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Dennis, Jr., 5148582 in view of Takahashi, 5471716.

Re claims 24-27, 29-30, and 32-36, Dennis, Jr. discloses a multi part connector capable of being used in a lanyard system. The connector comprises

a first body portion (11) configured, via connector 41 to be connected to a lanyard substrate (C)

a second body portion (10) configured to be selectively disengaged from the first body portion via a non-rotating coupling, i.e., recesses (33) and protrusions (13, 14)

a split neck (46, 47) having left and right members with a thinner portion (42) and a wider skirt portion (43c)

Dennis, Jr. fails to disclose the neck extending from the distal portion of the second body (10). Dennis, Jr. discloses the neck extending from the attachment (40) and being received in an aperture (22, 23) on the distal portion of the second body. This is the opposite arrangement to applicant's claimed invention.

The courts have noted that a mere reversal of parts would have been an obvious design choice to a person having ordinary skill in the art, since it provides the same benefits and there is no disclosed criticality to the arrangement.

Takahashi discloses a split neck (26) extending from the distal portion of a second body (13) in a multipart connector.

It would have been an obvious design choice to reverse Dennis's, Jr. neck and aperture arrangement because it performs the function of rotationally coupling the attachment to the multipart connector. Also, the specification fails to disclose any criticality with regard to the arrangement of the neck and the aperture.

Re claim 28, Dennis, Jr. further discloses the second body being a dual male buckle (figure 1) with an elongate protuberance (20) positioned between the outer protuberances (17, 18, figure 1).

3. Claims 24-27, 29-30, 32-45 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Anscher, 6161266, in view of Ducheshe, 5393254, and the SnugZ USA catalog (page 5, lower right lanyard).

Anscher discloses the claimed invention except for two arrangements. Anscher discloses a first portion having two male protrusions for non-rotatably connecting with two openings in the second portion (figure 1)--the opposite or reverse of what has been claimed. Anscher also fails to disclose a split neck extending from the second portion.

The claim recites that the second portion has two male protrusions that non-rotatably connect with two openings in the first portion.

Ducheshe discloses a lanyard type device (30) wherein the first portion is a female connector and the second portion is a male connector with two protrusions for connecting with the apertures in the female connector.

Both connector arrangements work equally as well as the other in releasably connecting the two portions together and the specification fails to state any criticality with respect to this type of arrangement where the first portion is a female element and the second portion is a male element. It would have been obvious design choice, in view of Anscher and Ducheshe, to a person having ordinary skill in the art to reverse the connector portions in Anscher.

The claim recites that the second portion has a neck extending from the distal portion of the second portion. Anscher discloses a releasable coupling between the second portion and the attachment (101, 102, figure 6).

The SnugZ USA catalog (page 5, lower right lanyard) discloses a split neck for rotatably attaching an attachment to the lanyard to reduce the stress on the second body portion by allowing the attachment to rotate about the neck.

It would have been obvious to a person having ordinary skill in the art to use a split neck connector arrangement on Anscher's connector to reduce the stress placed on the connector by the attachment.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 37-41 and 45 have been rejected under 35 U.S.C. 102(e) as being anticipated by Lerra, 6226844.

Re claims 37, 38, and 40, Lerra discloses a lanyard (figures 7 and 7A) comprising a lanyard substrate (84) and a multipart lanyard connector (78). The connector comprising

- a first body portion (82) coupled to the substrate

- a second body portion, i.e., the three male elements between numerals 32 and 62 in figure 7A and the base that attaches them together along with openings to selectively receive the male elements of the first body portion (82)

- a split neck, i.e., the two outer male elements between the numerals 32 and 62 in figure 7A, configured to be disposed within the attachment (32), wherein the slit neck has first and second opposing tapering portions

Re claims 39 and 41, Lerra discloses a second body portion with dual male buckle portions, i.e., the protrusions extending inwardly from the sides that engage the male protrusions of the first body portion (see figure 7a).

Re claim 45, Lerra discloses a second body portion with dual male buckle portions, i.e., the protrusions extending inwardly from the sides that engage the male protrusions of the first body portion (see figure 7a). Lerra also discloses an elongate protuberance (see center cross-sectioned pieces between male buckle portions of the second portion), which engages the split neck of the first portion.

Response to Arguments

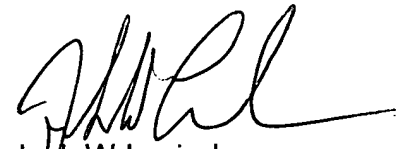
6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack W Lavinder
Primary Examiner
Art Unit 3677

10/06/05